

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

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Paper No. 63

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT P. JUENGERT and
EDWARD WEINGART

Junior Party
(Patent No. 5,611,176)¹,

v.

NESTOR T. POPOWYCH, ROY J. MOORE,
HAROLD H. SRIVER, III, and
LOUIS KEN-HON KAO

Senior Party
(application 08/202,444)².

Patent Interference No. 104,159

Before McKELVEY, Senior Administrative Patent Judge, and LEE
and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT

¹ Based on application 08/457,161, filed on June 1, 1995. Accorded the benefit of application 08/205,596, filed March 2, 1994.

² Filed on February 28, 1994.

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By representation of counsel for the senior party, both the junior party's involved patent and the senior party's involved application are now owned by the entities Fort Worth Tower, Inc., and CH2M Hill.Pal Telecom Group, LLC. (Paper Nos. 59 and 61). Copies of assignment documents submitted to the board by counsel for the senior party (Paper Nos. 59 and 62) seem to support the assertion. In Paper No. 61, an election was made "on behalf of Fort Worth Tower, Inc. ('FWT') and CH2M Hill.Pal Telecom Group, LLC ('CH2M')," electing the junior party's involved patent as being entitled to priority with respect to the senior party's involved application. Accordingly, it is

ORDERED that judgment is entered against senior party NESTOR T. POPOWYCH, ROY J. MOORE, HAROLD H. SRIVER, III, and LOUIS KEN-HON KAO;

FURTHER ORDERED that NESTOR T. POPOWYCH, ROY J. MOORE, HAROLD H. SRIVER, III, and LOUIS KEN-HON KAO are not entitled to their application claims 38-41, 43-47, 49-53, and 55-57, which correspond to the count.

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Fred E. McKelvey, Senior)
Administrative Patent Judge)

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Jameson Lee)
Administrative Patent Judge)

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Sally C. Medley)
Administrative Patent Judge)

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BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 104,159
Juengert v. Popowych

By Federal Express

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